App F IX 4

Previous References P 20 E 1948-49 (ME) File No 86-48 Serial Nos 55,56

Later References
ME 83-50 (45,46)

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Jan 49

SUBJECT

Draft Byelaws Regulating the System of Scavenging and to introduce Special Sanitary cess in Madhugiri Municipality

To The D C, Tumkur Dt
" Director of Public Health in Mysore
Comptroller to Govt.
" Asstt, Town MC &C, Madhugiri

G O No L 8441-4/D 25-1-49
Sanctions

K86

1577 /mnl

Subj Draft Bye laws regulating the System of Scavenging and to introduce Special Sanitary cess in Madhugiri Municipality

From

The President, Town Mpl Cl. Madhugiri L No Dc 3Cp/47-48 Of/10-6-48 requests approval to the above bye laws

1) The President forwards the draft bye laws regulating the System of Scavenging and to introduce Special sanitary cess in Madhugiri Municipality

2) These bye laws are scrutinised in this branch and corrected The Legis Br may be consulted regd the legality of these bye laws

Any 28/8 Pr 30.8.48

3) Pl put up ~~the~~ similar rules & bylaws in force in Some Town Mpl Vths, Compare them with the Dft bylaws in question & bring up

Fmg 3 of Mysr

4) Pl write to DVS of
1) Shimoga
2) Chitradurga Mpl Vths also
Hyderabad each

for 11/10/48

2

Draft bye laws re scavenging and Spl Sanitary cess in Madhugiri mlg.

5) Draft letters to the presidents, Town Mg cls Shimoga and Chickmagalur are put up for approval 1577/mel

Any objn for 13/10 for 15 days

6) [illegible] 1577/mel

To

The Pres TMC Shimoga & Chickmagalur Salur

No L433 4-5 Dt 26 10-48

Calls for explanation

Sub

8 10 48

From the Dy Secretary, Shimoga Town Mgt cl L-Nr C 5-58/48-49 Dt 30-10-48, forwarding the copy of the Bye laws

7) The bye laws of Madhugiri are compared with that of the bye laws in force in Shimoga and Corrected suitably copy of the

8) The bye laws in force in Shimoga Town is put up for reference

9) Submitted with reference to para 3 supra

Any objn for 25/11 for 15 days

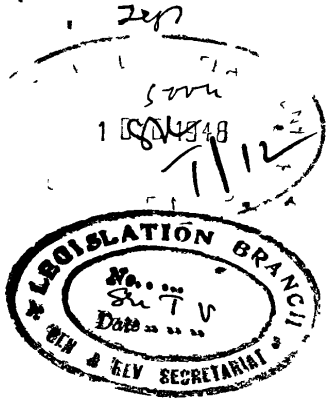
1577 1081/BL

Kisumu Municipal Council has three by-laws as well as the rules for the levying of the special sanitary cess in Nairobi municipality which have been forwarded to the administration Branch

11) My submission to the Legislature

power to legislate

S693
29/11



(Law Secy
CO/C)

13) The by-laws have been scrutinized and the following changes are suggested for consideration.

1 In the preamble; the wording relating to the framing of rules may be omitted, since rules for the levy of special sanitary cess have been framed separately

14) 2 In by-law No 6, the words "as set out in detail in the Schedule below

Pt Bye-laws re: 1081 R-1 Scavenging and spl Sanitary cess in Madhugiri Town Municipality

may be omitted as the Schedule containing the rates of special sanitary cess is appended to the rules framed in this behalf

It is not permissible under the Act to levy sanitary cess by means of bye-laws / Rules are published Law

15) 3 In byelaw No 16 the portion relating to continuing offence has to be omitted, since sec 48 does not empower the Municipality to provide punishment for continuing breaches of bye laws ~~Similarly in rule 17 the portion relating to the continuing offence has to be omitted~~ / up for

16) In the preamble, the correct provision of Laws has been inserted

17) The bye-laws are otherwise in order ~~and~~ and may be approved

18) As regards the rules for the levy of special sanitary cess, they should contain only the matters specified in section 46 (h) c(i) of the Act There can also be no provision providing penalty

Draft bye laws re Scavenging and levying a special Sanitary cess by the Madhugiri Town Municipality

1st for breach of the rules, since section 46 of the Act does not empower the Municipality to prescribe a fine for an infringement of the rules further. Section 62 (b) of the Act enjoins that the municipal council shall publish the rules with a notice in the form of Schedule VII prefixed to the Act

(a) In the light of the above notes, it is suggested that the draft rules require modification in two matters, namely, (1) deletion of the second para (prescribing penalty for an infringement of the rules) in rule 12, and (2) publication of the draft rules with a notice in the form of schedule VII

may be attended to
13/12/48

The rules should also contain only matters specified in section 46 (h) and (i) of the Act

MAS 13/12

13 12 48

DEPARTMENT
DEC 1948

mas
13 12 48

Law Secy)

Gentlemen
MC

14/12

14/12

13/12/48

6

Draft bye laws for the levy of the Spl Sanitary cess in Malleswaram Town

1577/Jud

2) Submitted with draft for approval or for other orders.

Asst 10/1/49 Legal

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No. 3379
D 15/1/49

1) May be approved

Secy 12/1/49

Minister 15/1/49

Approved 18/1/49

Secy 18/1/49

To
The Dy Commr
The Dy D H in Mysore
The comptroller to Govt
The pdt of Malleswaram Municipal Council
WLR

Govt. No 8441-4/Jud 86-48-58
dt 25-1-49

Sanctions the bye laws —

B
27/1/49

Encl

No. M 34/47-48 1 File

Mh. 88-168-55

OFFICE OF THE PRESIDENT
Town Municipal Council,
Madhugiri Dated 10th Aug, 48

From

The President,
Town Municipal Council
MADHUGIRI

GENERAL & REVENUE SECRETARIAT
24 AUG 1948
1577
MUNICIPAL BRANCH

REVENUE SECRETARY
To
Dc 23/8
GOVERNMENT OF MYSORE

To

The Revenue Secretary, to Government,
in Mysore Bangalore,
BANGALORE.

Sir Subject :- Regarding Bye-Laws regulating the system of Scavenging and to introduce Special Sanitary Cess, in Madhugiri, Municipality

Sir

I have the honour to state that the Council in their Meeting held on 31-3-1940, had framed the above Bye-Laws to introduce the scavenging system in Madhugiri Town

The necessity for introducing the above Bye-Laws was deeply felt by the Council as a number of houses have increased considerably with the increase of Population The Council could not increase the scavenging staff adequately an account of the Financial stingency in the Municipality For want of sufficient staff, is obliged to neglect many parts of the Town and consequently reduced to an insanitary position The Council have therefore thought it desirable to obtain sanction of Government for introducing the scavenging Bye-Law and have therefore passed a resolution unanimously in their meeting held on 17-3-48, which can be produced in the enclosed file If the scavenging Bye-Law is introduced the Council expects an income of not less than Rs 3400/- Per Annuam, by the Special Sanitary Cess levied as per Mohatarfa demand and necessary provision of introducing the above Bye-Law is made in the Budget Estimate of 1948-49

A copy of draft Bye-Laws were sent to the Compiler, Mysore Gazette for publication of the above Bye-Laws, calling for objections if any to the proposed Bye-Laws with in one month from the date of notice 30th June 1948, and the same was published in Mysore Gazette on 8th July 1948 No objections have so far been received in this office

As such I request that sanction of Government may kindly be accorded for enforcing the above Bye-Law at the earliest convenience.

An extract of the Resolution dated 8-8-1948, is herein enclosed for favour of kind reference. Connected records accompany

I have the honour to be

Sir,

Your most obedient servant,

President.

Town Municipal Council,

Madhugiri.

NG

L. 43345 26/10/48

No 2 3

To 4334-5 26/10/48

The president ~~Shimoga~~
Town Municipality ~~and port~~
Shimoga
Chickmagalur ~~Town Municipality~~

3 copies

Sub Bye laws regulating the system of Scavenging and Special Sanitary cess

Sir,

I am directed to request you to send immediately for reference ~~two~~ ~~three~~ copies of the Scavenging bye laws and ~~the~~ Special Sanitary rules for the levy of ~~that are in force in your city~~ cess ~~in your city~~ immediately ~~be sent~~ as they are required in this office for reference

Yours faithfully

for Secretary to Govt

As such I request that sanction of Government may kindly be accorded for enforcing the above Bye-Law [illegible] the

4 6

L. 40345 26/10/48

The

Revenue Department

To

The Presidents of
Town Municipal Councils of
Shimoga and Chickmagalur

SUBJECT: Byelaws regulating the system of scavenging and special Sanitary Cess.

Sir,

I am directed to request you to send immediately for reference two copies of the scavenging byelaws and rules for the levy of Special Sanitary Cess in force in your Municipality.

Yours faithfully,

For Secretary to Government,
Revenue Department.

--58/68-69

3395

OFFICE OF THE PRESIDENT
TOWN MUNICIPAL COUNCIL

Shimoga Dated ~~20th Oct.~~ *194* 8

From

The President,
Town Municipal Council,
Shimoga

To

The Secretary to Government
Revenue Department,
BANGALORE

Sir,

Subject - Bye-laws regulating the system of scavenging & the levy of special sanitary Cess.

***

With reference to your letter No I 4884-5, dated 20-10-48, I have herein enclosed two copies of the Bye-laws and Rules as desired by you.

Yours faithfully,

PRESIDENT,
Shimoga Town Municipal Council

By-laws framed by the Chaudfontaine Municipal Council under section 40 (4) (c) of the Public Health Act, 1936, for providing the daily conservancy system by the Municipal Conservancy Department and the Government Inspectorate, Liège, dated 16th November 1946.

1 Every privy or latrine to be constructed within the Municipal limits shall be located only on such site and in such position as may be approved by the President or the Chief Officer

2 It shall be so constructed as to permit of the daily removal of night soil

3 It shall be constructed in accordance with a plan to be approved by and shall not obtain a licence from the President or the Chief Officer

4 The privies in existence on the date on which these by-laws come into force and constructed with a pit for the reception of night soil shall within sixty days from the date of coming into force of these by-laws be so converted as to permit of the daily removal of night soil and such conversion shall be in accordance with the plan approved by the President

5 Every privy or latrine shall have an opening on a conservancy lane such as will permit daily removal of night soil from such a lane Such opening should be provided with shutters or trap doors which will, when closed, close the opening completely.

6 The Municipality will arrange the removal of night soil through its own agency on payment of a special sanitary cess fixed for the removal of night soil from private latrines

7 For every house intended to accommodate 10 persons or less there shall be at least one privy

8 The sides and the floor of the chamber for the receptacle shall be constructed of hard, smooth stones or brick work plastered with cement, or other non-absorbent material the floor shall be so sloped that any liquid discharged on it shall readily flow to an outlet from which soil for the chamber shall be of

building or any brick or stone masonry structure shall be lined with cement plaster from the floor level upto a height of 4 feet above the seat level.

(9) Every privy shall be provided with a receptacle to receive night soil of a capacity of not more than one cubic foot. 10 Arrangements must be made for the separation of urine from faecal matter

(11) The owner or occupier of any land on which there is a privy shall keep such privy without nuisance by a sufficient roof and closure by means of suitable material or hedge from the view of persons passing by or residing in the neighbourhood.

12 The floor, walls and the latrine must be made impervious by cement concrete and plastered with cement or by flooring with Cuddapah or hard stone slabs with neat cement pointing so that urine or other putrefying substance may not accumulate inside.

13 Every privy shall be so constructed that the bottom of the receptacle for night soil, urine or ablution water shall be at a level not less than 6 feet above the ground level.

14 Every person who shall construct a privy shall not without the written permission of the President, construct such privy within a distance of 50 ft away from any well or stream of water used or likely to be used by man for drinking or other domestic purposes.

15 A pucca drain shall be constructed and plastered with cement and a soak pit also must be constructed and the water of the privy should be let into the soak pit through a drain.

16 Any person infringing any of these by-laws shall be liable on conviction before a magistrate, to a fine not exceeding Rs 50/- and in the case of continuing offences, to a fine not exceeding 5/- for every day during which such infringement continues, provided that the total amount of fine shall not exceed Rs 100/-

sd/- C. Ramachandra Rao,
Secretary to Government,
Revenue Department.

"Copy"
President,
Town Municipal Council
Shimoga

Rules framed under the provisions of Special Sanitary Cess in lieu of conservancy duty for the removal of night soil from the private houses as per Section 40(b) and 61 (VIII) of the Town Municipalities Act 1933, and Sanctioned by the Government vide their Order No I 10009-C1/1 52-47-12, dated 19-2-1948

****

1 All the private latrines or Bhangies or shall be got cleaned by the municipal scavenging staff only maintained by the Municipality on payment of monthly salary

2 A special Sanitary Cess as per schedule hereto shall be payable by the owner or the occupier of the house where latrine is arranged to be cleaned by the Municipal Agency

3 The Special Sanitary Cess will be part and parcel of the Bhatedari Cess duty it is to see that regular payment is made to the Municipality time to time The payment will be received from the occupiers or tenants also if they pay voluntarily but the responsibility of the Bhatedari does not cease if the occupier or the tenant fails to pay the Special Sanitary Cess

4 Failure of payment of Special Sanitary Cess shall have the same effect as failure of payment of Bhatatarfa taxes and the Bhatedar or owner of the house is the authority for the payment and he is liable to prosecution for recovery of the amount as well as other Bhatatarfa taxes due

SCHEDULE

Name of Tax	Classes of property liable	Rates at which classes are liable
Special Sanitary Cess	Owners or occupiers of those Municipality except those Municipal Towns	(1) Rs C-4-0 for every month on each latrine attached to a private house as per to Bhatatarfa tax up to 5/- per annum (2) Rs C-8-0 for every month on each latrine attached to Bhatedari house assessed to Bhatatarfa tax of above 5/- and below 10/- per annum (3) Rs C-12-0 for every month on each latrine attached to each private house assessed to Bhatatarfa tax above 10/- and below 20/- per annum (4) Rs 1-C-0 for every month on each latrine attached to each private house assessed to Bhatatarfa tax above 20/- per annum (5) Rs C-12-0 for every month on each latrine attached to Government and public [illegible]

P T O

9

(5) 2-0-0 ... attached to ... it

... and Fund ...

(Sd.) ...rishnappa,
President,
Town Municipal Council, Sh...

"Copy"

President,
Town Municipal Council
Shimoga

SHIMOGA TOWN MUNICIPALITY.

Bye-laws framed by the Shimoga Town Municipal Council Under Section 48 (1) (O) of the Mysore Town Municipalities Act,1933, for enforcing the daily conservancy system by the Municipal Agency only and sanctioned by Government in their order No L.7133-4/Ml.67-46-23, Bangalore dated 16th November 1946.

1. Every privy of latrine to be constructed within the Municipal limits shall be located only on such site and in such position as may be approved by the President or the Chief Officer

2. It shall be so constructed as to permit of the daily removal of night soil

3. It shall be constructed in accordance with a plan to be approved by and after obtaining a license from the President or the Chief Officer.

4. The privies in existence on the date on which these bye-laws come into force and constructed with a pit for the reception of night soil shall within sixty days from the date of coming into force of these bye-laws be so converted as to permit of the daily removal of night soil and such conversion shall be in accordance with the plan approved by the President

5 Every privy or latrine shall have an opening on a conservancy lane such as will permit daily removal of night soil from such a lane Such opening should be provided with shutters or trap doors which will, when closed, close the opening completely

6. The Municipality will arrange the removal of night soil through its own agency on payment of a special sanitary cess fixed for the removal of night soil from private latrines

7. For every house intended to accommodate 10 persons or less there shall be at least one privy

8. The side and the floor of the chamber for the receptacle shall be constructed of hard, smooth stones or brick work plastered with cement, or other non-absorbent material, and the floor shall be so sloped that any liquid discharged on it shall rapidly and easily flow to an outlet The walls of the building shall be of

building shall be brick or stone in chunam mortar and plastered with cement ½ inch in thickness from the floor level upto a hight of 2 feet above the seat level.

9 Every privy shall be provided with a moveable receptacle to receive night soil with a capacity of not more than one cubic foot.

10 Arrangements must be made for the separation of urine from faecal matter

11. The owner or occupier of any land on which there is a privy must have such privy shut out by a sufficient roof and enclosures by non-combustible material or by wall from the view of persons passing by or resident in the neighbourhood

12. The flooring inside the latrine must be made impervious by cement concrete and plastered with cement or by flooring with Cuddapah or burnt slabs with neat cement pointings so that water and other watery substance may not accumulate inside.

13. Every privy shall be so constructed that the bottom of the receptacle for night soil, urine or ablution water shall be at a level at least two feet above the ground level

14. Every person who shall construct a privy shall not without the written permission of the President, construct such privy within a distance of 30 ft. away from any well or stream of water used or likely to be used by men for dinking or other domestic purposes.

15 A pucca drain with cement concrete and plastered with cement with proper slope must be constructed and the water of the privy should be let into the conservency drain through a drain

16. Any person infringing any of these bye-laws, is liable, on conviction before a Magistrate, to a fine not exceeding Rs 50/- and in the case of continuing offences, to a fine not exceeding Rs.5/- for every day during which such infringement continues, provided that the total amount of fine shall not exceed Rs.100/-

Sd/- G. Ramachandra Rao,
Secretary to Government,
Revenue Department,

Copy

C N Chandran
President
Town Municipal Council
Tiruvannamalai

G R S App F VI—G 2]

SUBJECT

E Wes.

Diary No of letter replied to 3395

General and Revenue Secretariat

( )

the *194*

Date of issue 25-1-1943

Signed by Sd G R Rao

Section ML

File No 86-48

Serial No 56

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Correspondence ending with letter no C 5-58/48-49 dated 30-10-48 from the president, Madhugiri Town Mt forwarding the draft bye laws framed ~~Order thereon—No~~ under Sec 48d (o) & the T M Act 1933 for enforcing the daily conservancy system in Madhugiri and rules framed under Sec 46(h) and 61(VIII) & the T.M Act 1933 for the levy & the Special Sanitary cess

May this be—

(i) printed?

(ii) treated as a Standing Order?

(iii) published in the Gazette English Part?

(iv) translated?

(v) placed at the disposal of the Press?

(vi) published in the Gazette Kannada Part?

in the Madhugiri Town Limits for the removal of the night Soil from the private Houses, and adding that no objections to the bye-laws were received in response to the Notification called for the enforcement of the ~~same~~ above new bye-laws.

Order No. L 8441-4 27 25-1-49

The bye laws as appended to this order are sanctioned. ~~One~~ printed copies of the bye laws may be sent to the Municipal Branch of the Secretariat for reference & record

From Govt Secy to Govt
Dr 15/1/49
Any 10/1/49
Pr 11-1-49

List of Enclosures

To
The Dy. Commissioner
~~The D.P.H. in Mysore~~
The pdt, Madhugiri Town Mgt WR
~~The Comptroller to G~~

Copied by

Examined by

11

WD 04162—GPB—60 000—23 10 41

14

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read -

Correspondence ending with letter No.C.5-58/48-49 dated 30th October 1948 from the President, Madhugiri Town Municipal Council forwarding the draft bye-laws framed under Section 48 (1) (o) of the Town Municipal Act 1933 for enforcing the daily conservancy system and rules framed under Section 46 (h) and 61 (vii) of the Town Municipal Act 1933 for the levy of the Special Sanitary Cess in the Madhugiri Town Municipality for the removal of night soil from the private houses, and adding that no objections to the bye-laws were received in response to the notifications calling for thereon.

ORDER No. GL. 8441-4/Mul 86-48-56

Dated, Bangalore, the 25-1-49

The Byelaws and rules are sanctioned as appended to this order. Five printed copies thereof may be sent to the Municipal Branch of the Secretariat for reference and record.

By Order,

For Secretary to Government,
General Department.

P.T.O

15

To

The Deputy Commissioner, Tumkur District.

" Director of Public Health in Mysore.

" Comptroller to Government.

" President, Madhugiri Town Municipal Council
(with records)

WD 04162—GPB—60 000—23 10 41

Notes ——————— 6 Pages

Correspondence — 15 Pages

13

Mec

15

To

The Deputy Commissioner, Tumkur
" Director of Public Health in
" Comptroller to Government.
" President, Madhugiri Town Mun
(with reco

WD 04162—GPB—60 000—23 10 41

Notes ——————— 6 Pages

Correspondence --- 16 Pages